

**TWENTY-SIXTH DAY**  
(Tuesday, March 10, 1987)

The Senate met at 11:00 a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Henderson, Johnson, Jones, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Sarpalius, Sims, Tejada, Truan, Uribe, Washington, Whitmire, Zaffirini.

Absent-excused: Santiesteban.

A quorum was announced present.

Senate Doorkeeper Jim Morris offered the invocation as follows:

Our Father, during this season of new life and fresh growth, help us to understand Your work and Your plan for Your people. Thank You for the new energy that comes with the season. Give new strength for these who serve this State in this place on this day. In Your name, Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**LEAVE OF ABSENCE**

Senator Santiesteban was granted leave of absence for today on account of important business on motion of Senator Brooks.

**RESOLUTIONS SIGNED**

The President announced the signing in the presence of the Senate the following enrolled resolutions:

**H.C.R. 24**  
**H.C.R. 83**  
**H.C.R. 86**  
**H.C.R. 90**

**GUEST PRESENTED**

The President introduced his guest, Mr. Lowry Mayes of San Antonio.

Mr. Mayes, a Member of the Board of Regents of Texas A&M University, was welcomed by the Senate.

**REPORTS OF STANDING COMMITTEES**

Senator Farabee submitted the following report for the Committee on State Affairs:

**S.B. 523**  
**C.S.S.B. 512**  
**C.S.S.B. 630**

Senator McFarland submitted the following report for the Committee on Criminal Justice:

**C.S.S.B. 305**

Senator Jones submitted the following report for the Committee on Finance:

S.B. 506 (Amended)  
S.B. 468  
C.S.S.B. 295  
C.S.S.B. 310  
C.S.S.B. 437  
C.S.S.B. 469  
C.S.S.B. 618

#### HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 941, To Committee of the Whole Senate.

H.B. 942, To Committee of the Whole Senate.

#### SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.J.R. 33 by McFarland Criminal Justice  
Proposing a constitutional amendment authorizing the state to issue general obligation bonds for the construction, improvement, and expansion of penal facilities.

S.J.R. 34 by Montford Criminal Justice  
Proposing a constitutional amendment giving the state a limited right to appeal in criminal cases.

S.B. 746 by Jones Intergovernmental Relations  
Relating to the authority of the Llano County Municipal Utility District No. 1 to exercise certain powers and duties and to borrow and spend money, issue bonds and bond and tax anticipation notes, and to levy maintenance taxes with regard to the construction and maintenance of certain roads and turnpikes, and validating certain acts of the district.

S.B. 747 by Parmer Economic Development  
Establishing a linked deposit program to encourage private commercial loans for enhanced production, processing, and marketing of certain agricultural crops.

S.B. 748 by Glasgow Jurisprudence  
Relating to district and county attorneys conducting a private practice of law in county or district offices.

S.B. 749 by Glasgow State Affairs  
Relating to a repeal of the authority of certain hotel and motel operators to impose a lien on the baggage and other property of guests.

S.B. 750 by Glasgow State Affairs  
Relating to the authority of a governmental body to conduct a meeting by telephone conference call.

S.B. 751 by Zaffirini Finance  
Relating to notifying a property owner of the owner's right to appeal an order of an appraisal review board.

S.B. 752 by Farabee State Affairs  
Relating to bids by nonresidents on contracts for the state or political subdivisions.

- S.B. 753** by Lyon Intergovernmental Relations  
Relating to the authority of a county to adopt zoning and building construction ordinances for the areas around Lake Tawakoni; providing a criminal penalty.
- S.B. 754** by Lyon Intergovernmental Relations  
Relating to the reorganization of the 86th and 354th judicial districts.
- S.B. 755** by Caperton Natural Resources  
Relating to commodities for which a commodity producers board may be established.
- S.B. 756** by Caperton Education  
Relating to the organization and administration of the Real Estate Research Center at Texas A&M University.
- S.B. 757** by Montford Education  
Relating to notice of nonrenewal of a teacher's term contract.
- S.B. 758** by Brooks Economic Development  
Relating to legal holidays for banks.
- S.B. 759** by Armbrister State Affairs  
Relating to authorizing corporations and labor organizations to make limited political contributions to certain candidates, office-holders, or political committees.
- S.B. 760** by Armbrister, Brooks Jurisprudence  
Relating to the appointment and rights, privileges, duties, and powers of managing conservators.
- S.B. 761** by Montford Natural Resources  
Relating to the designation of critical areas and the creation of underground water conservation districts in critical areas.
- S.B. 762** by Montford Criminal Justice  
Relating to the right of the state to appeal in certain criminal cases.
- S.B. 763** by Montford State Affairs  
Relating to the registration of and issuance of certificates of title for certain motor vehicles used by law enforcement agencies.
- S.B. 764** by Montford Criminal Justice  
Relating to offenses involving the operation of aircraft.
- S.B. 765** by Montford Natural Resources  
Relating to the sale or exchange of land by the Parks and Wildlife Department.
- S.B. 766** by Glasgow Intergovernmental Relations  
Relating to the authority of a city to provide for the exclusive provision of ambulance services for the city.
- S.B. 767** by Glasgow Jurisprudence  
Relating to the impoundment for failure to present proof of financial responsibility of a motor vehicle owned by a person not domiciled in the United States.
- S.B. 768** by Glasgow Criminal Justice  
Relating to the examination of witnesses and statements made before a grand jury.
- S.B. 769** by Glasgow Criminal Justice  
Relating to the presence in the grand jury room of the attorney representing the state.

- S.B. 770** by Glasgow Criminal Justice  
Relating to the duties of a grand jury and the manner in which subpoenas relating to the grand jury process are issued.
- S.B. 771** by Glasgow Criminal Justice  
Relating to the subpoena or attachment of certain witnesses by a grand jury.
- S.B. 772** by Edwards Education  
Relating to placing certain school employees on the career ladder and to funding the career ladder.
- S.B. 773** by Washington Criminal Justice  
Relating to the indeterminate sentencing and release from confinement of a defendant convicted of a felony offense.
- S.B. 774** by Washington Criminal Justice  
Relating to the participation of volunteer organizations in providing social service programs to inmates in the Texas Department of Corrections.
- S.B. 775** by Edwards, Barrientos, Caperton, Education  
McFarland, Parker  
Relating to the establishment of certain research programs to fund and evaluate research conducted at certain institutions of higher education.
- S.B. 776** by Edwards Education  
Relating to a center for the support of a comprehensive database network to further the state's goal of economic diversification.
- S.B. 777** by Edwards Education  
Relating to intellectual property policies of institutions of higher education.
- S.B. 778** by Edwards Education  
Relating to rights of state employees regarding intellectual property.
- S.B. 779** by Santiesteban, Truan Natural Resources  
Relating to the regulation of underground storage tanks, imposing certain fees, authorizing charges for late payment, and establishing an underground storage tank fund.
- S.B. 780** by Uribe Health and Human Services  
Relating to the regulation of lay midwives; providing criminal and civil penalties.
- S.B. 781** by Uribe Intergovernmental Relations  
Relating to a temporary regional advisory council to advise the Texas Youth Commission and the Texas Juvenile Probation Commission.
- S.B. 782** by McFarland State Affairs  
Relating to the requirement that a person first obtain a license or permit before exercising any privilege regulated by the Alcoholic Beverage Code.
- S.B. 783** by Leedom Economic Development  
Relating to property damage and liability insurance for motor bus operators.
- S.B. 784** by Glasgow Education  
Relating to changing the name of North Texas State University to University of North Texas.
- S.B. 785** by Glasgow Intergovernmental Relations  
Relating to the validation of certain annexations and other related governmental acts and proceedings of home-rule municipalities.

**S.B. 786** by Glasgow Economic Development  
Relating to the power of an electric cooperative corporation to indemnify and to purchase indemnity insurance.

**S.B. 787** by Krier Education  
Relating to age requirements for compulsory school attendance and high school equivalency examinations.

**S.B. 788** by Caperton Education  
Relating to economic diversification through technology commercialization at Texas universities.

#### **CO-AUTHOR OF SENATE BILL 57**

On motion of Senator Krier and by unanimous consent, Senator Barrientos will be shown as Co-author of **S.B. 57**.

#### **CO-AUTHORS OF SENATE BILL 80**

On motion of Senator Green and by unanimous consent, Senators Barrientos and Truan will be shown as Co-authors of **S.B. 80**.

#### **CO-AUTHORS OF SENATE BILL 313**

On motion of Senator Krier and by unanimous consent, Senators Barrientos and Truan will be shown as Co-authors of **S.B. 313**.

#### **CO-AUTHOR OF SENATE BILL 760**

On motion of Senator Armbrister and by unanimous consent, Senator Brooks will be shown as Co-author of **S.B. 760**.

#### **SENATE RESOLUTION 178**

Senator Anderson offered the following resolution:

WHEREAS, The cities of Texarkana, located in Bowie County, Texas, and Miller County, Arkansas, form one of the nation's great twin cities; and

WHEREAS, Texarkana citizens on both sides of the state line share a tradition of close cooperation, a strong sense of community, and an optimism for the future; and

WHEREAS, Cooperation at the municipal government level has also extended to county and state government levels, and this has been instrumental in the area, attracting businesses and industries involved in defense, tire and rubber products, copper telephone cable, paper, and furniture manufacturing; and

WHEREAS, Located in the fertile Red River Valley, the cities are a center for agribusiness that includes farming, livestock, and timber enterprises; and

WHEREAS, The cities are also a commercial and transportation center for a region that includes parts of four states; and

WHEREAS, Texarkana is blessed with great natural beauty and abundant resources for outdoor recreation, including scenic lakes well stocked with fish and pine forests with plentiful wild game; and

WHEREAS, The industrious citizens of the twin cities annually celebrate their civic pride with a special Texarkana Day, which in 1987 is set for Tuesday, March 10; and

WHEREAS, This special day is an appropriate occasion for the Texas Legislature to recognize the important contribution that Texarkana and its citizens have made and continue to make to the state's greatness and to the growth and progress of their four-state region; now, therefore, be it

**RESOLVED**, That the Senate of the 70th Legislature hereby recognize March 10, 1987, as Texarkana Day and extend best wishes to the citizens on both sides of

the state line as they work diligently to better their community and pursue a bright and prosperous future; and, be it further

RESOLVED, That official copies of this resolution be prepared for Texarkana as mementos of this day and as expressions of high regard from the Texas Senate.

The resolution was read and was adopted.

#### **GUEST PRESENTED**

Senator Armbrister was recognized and introduced the Capitol Physician for the Day, Dr. Jesse DeLeon of Victoria.

Dr. DeLeon received the appreciation of the Senate for his service and was welcomed as a guest for the day.

#### **MESSAGE FROM THE GOVERNOR**

The following Message from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas  
March 10, 1987

TO THE SENATE OF THE SEVENTIETH LEGISLATURE,  
REGULAR SESSION:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

TO BE MEMBERS OF THE TEXAS A&M UNIVERSITY SYSTEM BOARD OF  
REGENTS:

For terms to expire February 1, 1993:

WAYNE SHOWERS

P. O. Box 1840

McAllen, Texas 78501

Mr. Showers will be replacing The Honorable Henry G. Cisneros of San Antonio whose term expired.

DOUGLAS R. DeCLUITT

3201 Franklin Avenue

Waco, Texas 76710

Mr. DeCluitt will be replacing Joe C. Richardson, Jr., of Amarillo whose term expired.

WILLIAM A. McKENZIE

1525 Elm Street

26th Floor

Dallas, Texas 75201

Mr. McKenzie is being reappointed.

TO BE A MEMBER OF THE TEXAS STATE UNIVERSITY SYSTEM BOARD  
OF REGENTS:

For a term to expire February 1, 1993:

NORMAN D. ELDER

111 Lowe Drive

Del Rio, Texas 78840

Mr. Elder will be replacing John S. Cargile of San Angelo who resigned.

**TO BE A MEMBER OF THE STATE COMMISSION FOR THE BLIND:**

For a term to expire February 1, 1993:

KYLE LANCE FULTON  
5010 University Avenue  
Lubbock, Texas 79413

Mr. Fulton will be replacing Susan Fischer of Dallas whose term expired.

**TO BE MEMBERS OF THE BOARD OF DIRECTORS OF THE BRAZOS RIVER AUTHORITY:**

For terms to expire February 1, 1993:

GARY EUGENE WOOD  
Baylor University  
C.S.B. 689  
Waco, Texas 76798

Dr. Wood will be replacing Alfred L. Brooks, Jr., of Bellville whose term expired.

JAMES C. (JIM) ATKINS, JR.  
P. O. Box 510  
Lake Jackson, Texas 77566

Mr. Atkins is being reappointed.

CHESTER R. UPHAM III  
P. O. Box 940  
Mineral Wells, Texas 76067

Mr. Upham is being reappointed.

BRAD CRAWFORD  
P. O. Box 1499  
Lubbock, Texas 79408

Mr. Crawford will be replacing J. C. Chambers of Lubbock whose term expired.

**TO BE A MEMBER OF THE BOARD OF REGENTS OF STEPHEN F. AUSTIN STATE UNIVERSITY:**

For a term to expire January 31, 1993:

L. KELLY JONES  
1200 Texas Commerce Tower  
Arlington, Texas 76010

Mr. Jones will be replacing David Larry Jackson of Dallas whose term expired.

**TO BE MEMBERS OF THE UPPER GUADALUPE RIVER AUTHORITY BOARD OF DIRECTORS:**

For terms to expire February 1, 1993:

LORITA ANN TIPTON  
42 Antelope Trail  
Kerrville, Texas 78028

Mrs. Tipton will be replacing E. C. Parker, Jr., of Kerrville whose term expired.

WILLIAM D. LOONEY  
1210 Virginia Drive  
Kerrville, Texas 78028

Mr. Looney will be replacing Darrell G. Lochte of Kerrville whose term expired.

T. BECK GIPSON  
815 Jefferson Street, #D  
Kerrville, Texas 78028

Mr. Gipson will be replacing Betty Strohacker of Kerrville whose term expired.

For a term to expire November 1, 1988:

BETTY STROHACKER  
1400 Bushwhack Road  
Kerrville, Texas 78028

Mrs. Strohacker will be filling the unexpired term of Raymond Mosty of Center Point who resigned.

**TO BE PECOS RIVER COMPACT COMMISSIONER:**

For a term to expire January 23, 1993:

**BILLY L. MOODY**  
804 North Main  
Fort Stockton, Texas 79735

Mr. Moody is being reappointed.

**TO BE A MEMBER OF THE TEXAS TURNPIKE AUTHORITY:**

For a term to expire February 15, 1993:

**CHARLES R. MATTHEWS**  
4402 Broadway, Suite 6  
Garland, Texas 75043

Mr. Matthews will be replacing Jerry H. Deutser of Houston whose term expired.

Respectfully submitted,  
/s/ W. P. Clements, Jr.  
William P. Clements, Jr.  
Governor of Texas

**SENATE RULE 103 SUSPENDED**

On motion of Senator Parker and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Education might consider the following bills at 9:00 a.m. tomorrow:

**S.B. 788**  
**S.B. 775**  
**S.B. 776**  
**S.B. 777**  
**S.B. 778**

**COMMITTEE SUBSTITUTE HOUSE BILL 51**  
**ON SECOND READING**

On motion of Senator McFarland and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to third reading:

**C.S.H.B. 51**, Relating to the transfer of certain inmates of the Texas Department of Corrections to other facilities prior to their actual discharge from custody.

The bill was read second time and was passed to third reading viva voce vote.

**COMMITTEE SUBSTITUTE HOUSE BILL 51**  
**ON THIRD READING**

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.H.B. 51** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Santiesteban.



**COMMITTEE SUBSTITUTE SENATE BILL 378  
ON SECOND READING**

On motion of Senator McFarland and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 378**, Relating to commitment papers for inmates transferred to the Texas Department of Corrections and to the persons required to deliver those papers.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 378  
ON THIRD READING**

Senator McFarland moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 378** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 5  
ON SECOND READING**

Senator Brown moved that Senate Rules 12 and 89 and all other necessary rules be suspended and that **C.S.S.B. 5** be taken up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 5**, Relating to an assessment of damages against inmates of the Texas Department of Corrections for destruction of property belonging to the department.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Santiesteban.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 5  
ON THIRD READING**

Senator Brown moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 5** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban.

The bill was read third time and was passed viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 80  
ON SECOND READING**

On motion of Senator Green and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 80**, Relating to the adoption of a continuing education requirement for certain insurance agents.

The bill was read second time.

Senator Green offered the following amendment to the bill:

Amend **C.S.S.B. 80** by striking all below the enacting clause and substituting in lieu thereof the following:

SECTION 1. Section 5b, Article 21.14, Insurance Code, is amended to read as follows:

Sec. 5b. CONTINUING EDUCATION. The State Board of Insurance shall [may] adopt a procedure for certifying and shall [may] certify continuing education programs for agents. Participation in the program is mandatory for all agents licensed under this article. The State Board of Insurance shall exempt agents who have been licensed for 20 years or more and shall have the rulemaking authority to provide for other reasonable exemptions. No agent shall be required to complete more than 15 hours of continuing education per year. An agent licensed under both Articles 21.07-1 and 21.14 may elect to satisfy the continuing education requirements of either article and shall not be required to complete a total of more than 15 hours of continuing education per year [voluntary].

SECTION 2. Article 21.14, Insurance Code, is amended by adding Section 5c to read as follows:

Sec. 5c. ADVISORY COUNCIL. An advisory council shall be appointed by the State Board of Insurance to furnish the Board with information and assistance in the conduct of the continuing education program for agents licensed under Articles 21.07-1 and 21.14.

SECTION 3. Section 3A, Article 21.07-1, Insurance Code, is amended to read as follows:

Sec. 3A. CONTINUING EDUCATION. The State Board of Insurance shall [may] adopt a procedure for certifying and shall [may] certify continuing education programs for agents. Participation in the program is mandatory for all agents licensed under this article. The State Board of Insurance shall exempt agents who have been licensed for 20 years or more and shall have the rulemaking authority to provide for other reasonable exemptions. No agent shall be required to complete more than 15 hours of continuing education per year. An agent licensed under both Articles 21.07-1 and 21.14 may elect to satisfy the continuing education requirements of either article and shall not be required to complete a total of more than 15 hours of continuing education per year [voluntary].

SECTION 4. Article 21.07-1, Insurance Code, is amended by adding Section 3B to read as follows:

Sec. 3B. ADVISORY COUNCIL. An advisory council shall be appointed by the State Board of Insurance to furnish the Board with information and assistance in the conduct of the continuing education program for agents licensed under Articles 21.07-1 and 21.14.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read and was adopted viva voce vote.

On motion of Senator Green and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

#### **RECORD OF VOTE**

Senator Henderson asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

#### **COMMITTEE SUBSTITUTE SENATE BILL 80 ON THIRD READING**

Senator Green moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 80 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 3.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Sarpalius, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Henderson, Jones, Washington.

Absent-excused: Santiesteban.

The bill was read third time and was passed by the following vote: Yeas 28, Nays 2.

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Green, Harris, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Sarpalius, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Nays: Henderson, Jones.

Absent-excused: Santiesteban.

#### **COMMITTEE SUBSTITUTE SENATE BILL 355 ON SECOND READING**

On motion of Senator Parmer and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 355**, Relating to the compensation, allowances, and appointment of certain county officers.

The bill was read second time and was passed to engrossment viva voce vote.

#### **COMMITTEE SUBSTITUTE SENATE BILL 355 ON THIRD READING**

Senator Parmer moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 355 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Santiesteban.

**COMMITTEE SUBSTITUTE SENATE BILL 57  
ON SECOND READING**

On motion of Senator Krier and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 57**, Relating to the offense of possession of a burning tobacco product or smoking tobacco in certain public places.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE SENATE BILL 57  
ON THIRD READING**

Senator Krier moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 57** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Santiesteban.

The bill was read third time and was passed viva voce vote.

**MOTION TO PLACE COMMITTEE SUBSTITUTE SENATE BILL 313  
ON SECOND READING**

Senator Krier moved that Senate Rules 12 and 89 and all other necessary rules be suspended and that **C.S.S.B. 313** be taken up for consideration at this time on its second reading and passage to engrossment:

**C.S.S.B. 313**, Relating to the offense of providing a tobacco product to a person under the age of 18 years; providing a penalty.

The motion was lost by the following vote: Yeas 21, Nays 6. (Not receiving four-fifths vote of the Members of the Senate)

Yeas: Anderson, Armbrister, Barrientos, Blake, Brooks, Brown, Edwards, Farabee, Green, Harris, Henderson, Johnson, Krier, Montford, Parmer, Sarpalius, Tejada, Truan, Uribe, Whitmire, Zaffirini.

Nays: Jones, Leedom, Lyon, McFarland, Parker, Sims.

Absent: Caperton, Glasgow, Washington.

Absent-excused: Santiesteban.

**MEMORIAL RESOLUTIONS**

**S.R. 168** - By Brooks: Memorial resolution for John Henry Clouser.

**S.R. 173** - By Sims: Memorial resolution for Virgil D. Rodgers.

**CONGRATULATORY RESOLUTIONS**

**S.R. 170** - By Barrientos: Commending Ruth McAllister for 33 years of devoted service to public education.

**S.R. 171** - By Barrientos: Declaring March 11, 1987, as PART Day in Texas.

**S.R. 174** - By Armbrister: Extending congratulations to the citizens of Moulton, Texas, as they participate in the Tri-City Centennial Celebration to be held March 15, 1987.

**S.R. 175** - By Armbrister: Extending congratulations to the citizens of Shiner, Texas, as they participate in the Tri-City Centennial Celebration to be held March 15, 1987.

**S.R. 176** - By Armbrister: Extending congratulations to the citizens of Yoakum, Texas, as they participate in the Tri-City Centennial Celebration to be held March 15, 1987.

**S.R. 177** - By Brooks: Extending congratulations to Mrs. Sylvia C. Bates on her 101st birthday.

#### **ADJOURNMENT**

On motion of Senator Brooks, the Senate at 11:57 a.m. adjourned until 11:00 a.m. tomorrow.

#### **APPENDIX**

Signed by Governor  
(March 9, 1987)

**S.B. 88** (Effective immediately)

**In Memory**

**of**

**Joan Glantz**

Senator Washington offered the following resolution:

**(Senate Resolution 172)**

WHEREAS, With the death of Joan Glantz on August 27, 1986, Texans lost a valiant champion of human rights whose unceasing efforts will continue to bear fruit in the years to come; and

WHEREAS, A native of Brooklyn, New York, Ms. Glantz graduated with honors in social work from UCLA; and

WHEREAS, One of the first staff members of the Houston chapter of the Texas Civil Liberties Union, she toiled to uphold the freedoms in the United States Constitution and its Bill of Rights; and

WHEREAS, An outstanding political and civic activist, she was a founding member of the Texas Abortion Rights Action League, the Houston Coalition Against the Death Penalty, and the coalition for Responsive Law Enforcement; and

WHEREAS, An eloquent advocate of human rights causes and a skilled communicator, she served with great distinction on the national board of Pacifica Foundation and on the advisory board for radio station KFPT; and

WHEREAS, A trailblazer in the women's rights movement, she was the first woman elected from Texas to the ACLU national board of directors and the first woman president of the Texas Civil Liberties Union; and

WHEREAS, She leaves behind a legacy of courage and commitment that are unparalleled; and

WHEREAS, A loyal friend and companion, her memory will remain forever embedded in the hearts and minds of all who knew her; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 70th Legislature, hereby pay tribute to the life of service and dedication of Joan Glantz and extend deep condolences to her family and friends; and, be it further

RESOLVED, That copies of this resolution be prepared for the members of her family as an expression of deepest sympathy from the Texas Senate, and that when the Senate adjourns this day, it do so in memory of Joan Glantz.

The resolution was read.

On motion of Senator Brooks and by unanimous consent, the names of the Lieutenant Governor and Senators were added to the resolution as signers thereof.

On motion of Senator Washington and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.